

**REMARKS/ARGUMENTS**

Claims 1-3 and 5-7 are pending in the present application. Claims 5 and 6 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. An amendment has been made to independent claim 5 to overcome this rejection. Additionally, claim 7 has been amended to reflect this amendment. Thus, the 35 U.S.C. § 112 rejection is considered overcome. Claims 1-3, 5-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by Oliver (U.S. Pat. No. 4,266,813). Claims 1-3 and 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor (U.S. Pat. No. 3,612,584) in view of Weir III (U.S. Pat. No. 4,712,812). Applicant respectfully traverses the rejections.

Claims 1-3, 5 and 6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Oliver. Anticipation "requires that the same invention, including each element and limitation of the claims, was known or used by others before it was invented by the patentee." Hoover Group, Inc. v. Custom Metalcraft, Inc., 66 F.3d 299, 302, 36 U.S.P.Q.2d 1101, 1103 (Fed. Cir. 1995). "[P]rior knowledge by others requires that all of the elements and limitations of the claimed subject matter must be expressly or inherently described in a single prior art reference." Elan Pharms., Inc. v. Mayo Foundation for Medical Educ. & Research, 304 F.2d 1221, 1227, 64 U.S.P.Q.2d 1292 (Fed. Cir. 2002) (citing *In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999); Constant v. Advanced Micro-Devices, Inc., 848 F.2d 1560, 1571 7 U.S.P.Q.2d 1057, 1064 (Fed. Cir. 1988)). "The single reference must

describe and enable the claimed invention, including all claim limitations, with sufficient clarity and detail to establish that the subject matter already existed in the prior art and that its existence was recognized by persons of ordinary skill in the field of the invention." Id. (citing Crown Operations Int'l, Ltd. v. Solutia Inc., 289 F.3d 1367, 1375, 62 U.S.P.Q.2d 1917, 1921 (Fed. Cir. 2002); In re Spada, 911 F.2d 705, 708 15 U.S.P.Q.2d 1655, 1657 (Fed. Cir. 1990)). See also PPG Indus., Inc. v. Guardian Indus. Corp., 75 F.3d 1558, 1566, 37 U.S.P.Q.2d 1618, 1624 (Fed. Cir. 1996) (emphasis added).

Independent claim 1 requires "a first hollow fitting having opposite first and second ends, with the first end being adapted for connection to a first pipe and having a sleeve with a typically inwardly crimped detent." As suggested by the Examiner, Oliver teaches a thread 18 of a second hollow fitting 10 that fits within the helical groove or female thread of a first hollow fitting 20. (Office action page 7). The Oliver device does not teach a typically inwardly crimped detent and thus this limitation of claim 1 is not met. Consequently, each and every limitation of the claimed invention is not provided by Oliver and the anticipation rejection must be withdrawn.

Claim 5 requires in part "a second hollow fitting having first and second ends with the second end fitting slidably within the second end of the first hollow fitting in sealed condition to define a fluid conduit extending through interiors of the first and second hollow fittings." According to the Examiner, the action of male threads sliding past female threads causes Oliver to meet this limitation. The Applicant respectfully disagrees. The claimed limitation requires that the second end fitting be slidably within the second end of the

first hollow fitting. Male threads sliding past female threads does not cause the second end fitting to be slidably fitted within the first hollow fitting, it instead causes the male threads to be slidably fitted within the female threads. Thus, this limitation is not taught within Oliver.

Furthermore, within the specification, the Applicant has distinguished between a slidable fitting and a threadable fitting. Specifically, Applicant discloses the fitting connection where fitting 18 is slidably inserted into the large diameter sleeve 40 after sealant 56 has been placed in the area of annular groove 44. (Page 3, lines 30-33). In contrast, the Applicant describes a threadable connection where "the assembled coupling can then be threadably inserted into the sleeve 66 of hydrant 58 as best shown in Fig. 5." (Page 4, lines 8-9). Thus, the Applicant has distinguished between a connection where a second end fitting is slidably inserted within an end of the first hollow fitting as compared with a coupling being threadably inserted into a sleeve. Thus, the Examiner's claim that the threadable connection of Oliver meets the "slidable" claim limitation is not consistent with the written description. Therefore, the Oliver device does not teach a second hollow fitting having an end fitting slidably within a first hollow fitting and therefore, this claim limitation is not met. Consequently, each and every limitation of the claimed invention is not present and the anticipation rejection must be withdrawn.

Claims 1-3 and 5-7 were rejected under 35 U.S.C. § 103 as being unpatentable over Taylor in view of Weir III. The teachings or suggestions to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. See In re Vacck, 997

F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); MPEP § 2143. To establish a *prima facie* case of obviousness, all the claim limitations must be taught by the prior art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 57 C.C.P.A. 1029, 1032 (1970).

The Taylor and Weir references both show connections using threads, e.g., threads 19 shown in Taylor and threads 81, 67 and 69 taught in Weir III. Thus, these references teach connections identical to Oliver and thus neither reference teaches a typically inward crimped detent as required in claim 1 nor a second hollow fitting having an end fitting slidably within a first hollow fitting as is required by independent claim 5. Therefore, each and every limitation of independent claims 1 and 5 are not met by the combination of Weir and Taylor and therefore the obviousness rejection must be withdrawn. Thus, independent claims 1 and 5 are considered in allowable form. Claim 2, 3 and 6 depend on claim 1 while dependent claim 7 depends on claim 5 and for at least this reason each of the dependent claims are considered in allowable form.

#### CONCLUSION

In view of the above remarks and arguments, Applicant believes that claims 1-3 and 5-7 are in condition for allowance and Applicant respectfully requests a favorable action.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

No fees or extensions of time believed to be due in connection with this response; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



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